

REMARKS

Claims 1-6 are amended, no claims are canceled, and claims 7-16 are added; as a result, claims 1-16 are now pending in this application.

No new matter has been added by the amendments to claims 1-6. Support for the amendments to claims 1-6 is found throughout the specification, including but not limited to the specification at page 2, line 23 through page 4, line 27.

No new matter has been added by new claims 7-16. Support for new claims 7-16 is found throughout the specification, including but not limited to the portions of the specification as noted above with respect to the amendments for claims 1-6. Further support for new claims 13 and 14 is found for example but not limited to the specification at page 4, line 28 through page 5, line 8.

In the Specification

The specification has been amended merely to correct obvious typographical errors. The paragraph beginning on page 4, line 3 is amended to delete "en" and to insert the word "and" immediately following the phrase "an appropriate authorization key is present."

The paragraph beginning on page 5, line 9 is amended to replace the phrase "messages 22, 24" with the phrase "messages 20, 22" in two places. Support for this amendment is found for example in the specification at page 4, starting at the last paragraph that continues onto page 5, and in FIG. 2.

The paragraph beginning on page 5, line 25 is amended to replace the word "the" and to add the word "that" immediately proceeding the phrase "carry the identifier of the stream."

No new matter has been added by these amendments to the specification.

§102 Rejection of the Claims

Claims 1-6 were rejected under 35 U.S.C. § 102(b) for anticipation by Tsuria (U.S. Patent No. 6,178,242). Applicants respectfully traverse the rejection of claims 1-6.

Claims 1-6 are not anticipated by Tsuria because Tsuria fails to disclose all of the subject matter included in any given one of claims 1-6. By way of illustration, independent claim 1, as now amended, includes:

"an input operable to receive the signal, **the signal including a stream of encrypted data and a plurality of individually identified streams of messages, each of the individually identified streams of messages operable to be used to decrypt a common part of the encrypted data independently of any other of the individually identified streams of messages;**

a mode selection unit arranged to provide an output indicating a selection of an operating mode of a plurality of operating modes, the indicated selection of the operating mode associated with a particular one of the plurality of individually identified streams of messages that is to be used to for the selected operating mode in the decryption of the stream of encrypted data; and

a conditional access decoder coupled to the mode selection unit, to the input, and to the storage device, the conditional access decoder operable to receive the output indicating the selection of the operation mode, and to decrypt the encrypted data using the particular one of the plurality of individually identified streams of messages associated with the selected operating mode, if entitled to use the particular one of the individually identified streams of messages, to generate a stream of decrypted data from the stream of encrypted data."

(Emphasis added)

In contrast to the subject matter of independent claim 1, Tsuria concerns one ECM associated with each segment of an input scrambled digital data stream, and replacing the ECMS with a transformed ECM, wherein Tsuria recites:¹

"There is thus provided in accordance with a preferred embodiment of the present invention a method for producing an output scrambled digital data stream from an input scrambled digital data stream, the input scrambled digital data stream including a plurality of control messages (ECMs), each ECM including coded information for generating a control word (CW) associated with the ECM and being encoded using an ECM key, the input scrambled digital data stream also including a plurality of segments of scrambled digital data, **each segment of scrambled digital data being associated with one of the plurality of ECMS and being scrambled using the CW associated with the ECM, the method including replacing each of the plurality of ECMS with a corresponding transformed ECM (TECM), each corresponding TECM including coded information for generating**

¹ See Tsuria at column 2, lines 44-64.

the CW associated with the corresponding ECM and being encoded using a TECM key, thus producing the output scrambled digital data stream, wherein the ECM key is replaced with a new ECM key at an ECM key change time, and the TECM key is not replaced at the ECM key change time." (Emphasis added).

Because Tsuria concerns receiving a scrambled digital data signal (SDDS) wherein each segment of the scrambled digital data is associated with one ECM, and *replacing* each ECM by a TECM , Tsuria fails to disclose "the signal including a stream of encrypted data and a plurality of individually identified streams of messages," as required by independent claim 1.
(Emphasis added).

For similar reasons, Tsuria also fails to disclose "each of the individually identified streams of messages operable to be used to decrypt a common part of the encrypted data independently of any other of the individually identified streams of messages," all as required by independent claim 1.

In addition, since Tsuria fails to disclose the signal as included in independent claim 1, Tsuria also fails to disclose "the mode selection unit arranged to provide an output indicating a selection of an operating mode of a plurality of operating modes, the indicated selection of the operating mode associated with a particular one of the plurality of individually identified streams of messages," as required by independent claim 1. (Emphasis added).

Still further, for at least the reasons stated above, Tsuria fails to disclose the conditional access decoder of independent claim 1, wherein the conditional access decoder is ". . . operable to receive the output indicating the selection of the operation mode, and to decrypt the encrypted data using the particular one of the plurality of individually identified streams of messages associated with the selected operating mode," as required by independent claim 1.

For at least these reasons, Tsuria fails to disclose all of the subject matter included in independent claim 1, and so independent claim 1 is not anticipated by Tsuria. Claims 2-4 depend from independent claim 1, and so include all of the subject matter included in independent claim 1, and more. For at least the reasons stated above with respect to independent claim 1, claims 2-4 are not anticipated by Tsuria.

In further illustrations of subject matter included in the claims and not disclosed by Tsuria:

Independent claim 5, as now amended, includes:

"including in the signal a plurality of individually identified streams of messages with the stream of encrypted data, each of the individually identified streams of messages containing decryption information for decrypting a common part of the encrypted data independent of any other of the individually identified streams of messages."

Independent claim 6, as now amended, includes:

"a signal assembly unit that is arranged to include a plurality of individually identified streams of messages with the stream, each of the streams of messages containing decryption information for decrypting a common part of the encrypted data independent of any other of the streams of messages."

For reasons analogous to those stated above with respect to independent claim 1, Tsuria fails to disclose all of the subject matter included in independent claim 5, and fails to disclose all of the subject matter included in independent claim 6. Therefore, independent claims 5 and 6 are not anticipated by Tsuria.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of claims 1-6.

New Claims

New claims 9-16 are dependent claims. New claims 9-16 define further patentable features over Tsuria. In addition, claims 7-12 depend from independent claim 1, and are accordingly allowable for at least the same reasons stated herein with respect to independent claim 1; claims 13-14 depend from independent claim 5, and so are allowable for at least the same reasons stated herein with respect to independent claim 5, and claims 15-16 depend from independent claim 6, and are allowable for at least the same reasons as stated herein with respect to independent claim 6.

Applicants respectfully request consideration and allowance of new claims 9-16.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 612-371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-371-2132

Date JULY 30/2008 By Robert B. Madden
By Robert B. Madden
Reg. No. 57,521

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EPS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30 day of July 2008.

CANDIS BUENDING

Name

Signature

Candis Buending